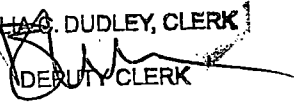


In the United States District Court  
For the Western District of Virginia  
Danville Division

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

JUL 03 2017

JULIA S. DUDLEY, CLERK  
BY:  DEPUTY CLERK

Brian David Hill  
Plaintiff(s)

v.

Executive Office for United States Attorneys  
(EOUSA)  
&  
United States Department of Justice (U.S. DOJ)  
Defendant(s)

Civil Action No. 4:17-cv-00027

**DECLARATION OF BRIAN DAVID HILL AND EXHIBITS IN SUPPORT  
OF COMPLAINT AND PARTIAL EVIDENCE (FOIA APPEAL) OF WHAT  
WILL BE PRESENTED AT TRIAL**

NOW COMES, the plaintiff ("Brian D. Hill"), representing himself, and hereby files a Declaration and attached 7 Exhibits with this Court that further supports the evidential and/or legal basis under Document #2 COMPLAINT, and to prove the factual matter as set forth before the trial. The plaintiff is releasing to the Court, and a copy to the attorney of record ("Assistant U.S. Attorney Cheryl T. Sloan" or "Cheryl T. Sloan") representing the Defendants', further Exhibits of what was filed with the Office of Information Policy ("OIP") of the defendant United States Department of Justice ("U.S. DOJ"), concerning the exhausting of the available administrative remedy attempted by Plaintiff aka the "FOIA Appeal". The Plaintiff feels that the Court should review over the entire Freedom of Information Act ("FOIA") Appeal records of OIP prior to the Trial, to get familiar with the partial evidence of what will be presented at the Trial, before any possible Status Conferences.

RECEIVED

JUL 03 2017

MSDC Clerk's Office  
Mail Room

The OIP is a sub-component of defendant U.S. DOJ, and they accept filings of each requester's Appeal of a decision made via the FOIA. As per defendant Executive Office for United States Attorneys ("EOUSA"), any decision they make on a particular FOIA requester's FOIA request can be appealed administratively through the OIP of the U.S. DOJ.

The Plaintiff wants evidence filed with this court, since it is already apart of official OIP record, and those FOIA Appeal filings establish proof that OIP had been given prior warning and knowledge by the Plaintiff as of what he believed was going on at the EOUSA as to the improper withholding of records. In other words the Plaintiff allegedly reporting on the wrongdoing of defendant EOUSA. That is because records that did in fact once existed as to Plaintiff's knowledge, had disappeared and the fact that defendant EOUSA said in their response that "0 records are withheld in full" shows the contradiction of claim on the records that were in the custody and control of the U.S. Attorney Office of Greensboro, NC, that had prosecuted and wrongfully convicted plaintiff Brian D. Hill (United States of America v. Brian David Hill), whom had an continued interest to prove actual innocence which was evident in various pro se filings made in his criminal case in the federal Middle District of North Carolina Court system.

The Plaintiff had filed a proposed subpoena (See Document #19-1) on the OIP of the U.S. DOJ, which was filed by the Clerk on 06/20/2017, but since the subpoena had not yet been signed by any Clerk of the Court nor any attorney as of yet, the Plaintiff does not want to face a civil trial for his own lawsuit and federal complaint without any evidence established on record that the Plaintiff will present at the Trial. Evidence, statutory law, and case law is key to winning a Trial whether by the Bench or by a Jury. The evidence is presented under Oath via Declaration pursuant to Title 28 U.S.C. § 1746, to establish the evidence to be admissible under the Federal Rules of Evidence. Since the filings exhibited are of what was originally filed in Plaintiff's FOIA Appeal with the Office of Information Policy ("OIP") prior to filing of this FOIA lawsuit, they are of relevance to this lawsuit and are relevant to be heard at the Trial. If the

Defendants' wish to challenge any of the evidence exhibited here, then they may ask for a status conference, however the FOIA Appeal filings were filed on record with the U.S. Department of Justice ("U.S. DOJ"), so as long as the OIP accepted the filings via facsimile ("FAX") transmission and/or even by U.S. Postal mailing, then the Plaintiff believes that the U.S. Attorney really cannot make a valid argument on its face as to why the Appeal filings should be excluded from Trial. The filings for the Office of Government Information Services ("OGIS") will not be filed in this Declaration as the OIP has the main authority to do something about what was filed with them, as OGIS is just a mediation service of the National Archives and Records Administration ("NARA"). Since they had received some copies of what was filed in the FOIA Appeal, the FOIA Appeal filings exhibited in this Declaration is best to explain what was filed before litigation. If the defendants' Attorney wishes to ask for copies of all faxes and mailings filed with the OGIS, then the U.S. attorney is free to file a subpoena with them.

The FOIA Appeal records exhibited in this Declaration are shown in the table of contents below to index what records are exhibited in this Declaration, and what records were already filed with the Court prior to this Declaration (Document numbers will be referenced). FOIA Appeal Case No. DOJ-AP-2017-002520. Transmission Tickets are attached to every Exhibited record as proof of transmission.

FOIA Appeal document #	Transmitted/delivered via:	Name/Title or identifier or description of document/record:	Date:	Exhibit or Court Document #
#1	Fax/Facsimile Transmission	Freedom of Information Act Appeal Letter and attached/enclosed evidence	February 20, 2017	<b>Doc. #2-3</b> , in civil case
#2	Mail via U.S. Postal Service (certified mail tracking #	NEW EVIDENCE for FOIA Appeal DOJ-AP-2017-002520	March 6, 2017	<b>Doc. #2-6</b> , in civil case,

	7016-1970-0000-9602-0033)			DVD as <b>Doc. #2-10, #2-9</b>
#3	USPS mail acceptance receipt certified mail receipt scan	Scanned photocopy of certified mail tracking receipt # 7016-1970-0000-9602-0033 and another certified mail receipt.	March 6, 2017	<b><u>Exhibit 1</u></b>
#4	Fax/Facsimile Transmission	Last Evidence to OIP; Re: DOJ-AP-2017-002520- March 11, 2017. Fax is 46-pages.	March 11, 2017	<b>Doc. #2-2, in civil case</b>
#5	Fax/Facsimile Transmission	Copy filed with OIP of original FAX letter of what was transmitted to The White House ("POTUS") in regards to evidence that Assistant Federal Public Defender Eric David Placke lied in email to Brian D. Hill and his family. Filed with OIP.	March 16, 2017	<b><u>Exhibit 2</u></b>
#6	Fax/Facsimile Transmission	Copy filed with OIP of original FAX letter, Evidence to The White House proving public defender deleted	March 17, 2017	<b><u>Exhibit 3</u></b>

		evidence. Filed with OIP, explained relevance to FOIA Appeal and FOIA Request as it pertains to Plaintiff's right to criminal case discovery evidence due to ineffective Counsel		
#7	Fax/Facsimile Transmission	Letter to Office of Information Policy with Court Transcripts as Last Minute Evidence before possible FOIA Lawsuit	March 20, 2017	<b>Doc. #2-4</b> , in civil case
#8	Fax/Facsimile Transmission	Letter to Office of Information Policy citing Legal Basis to Support FOIA Request and Appeal	March 24, 2017	<b><u>Exhibit 4</u></b>
#9	Fax/Facsimile Transmission	Letter with Newly Discovered Evidence to Office of Information Policy citing Legal Basis to Support FOIA Request and Appeal	April 4, 2017	<b><u>Exhibit 5</u></b>
#10	Fax/Facsimile Transmission	NOTICE OF PENDING LAWSUIT to Office of	April 26, 2017	<b><u>Exhibit 6</u></b>

		Information Policy. <u>(Doc. #2) Complaint</u> <u>(with only exhibit-1</u> <u>(Doc. #2-1) of the filed</u> <u>civil complaint</u> <u>transmitted) and (Doc.</u> <u>#4-7) "2-Page</u> <u>Declaration of</u> <u>Innocence for The</u> <u>White House" not</u> <u>included since already</u> <u>filed on Court record</u> <u>but were originally</u> <u>attached to the letter</u> <u>faxed to the OIP of U.S.</u> <u>DOJ.</u>		
#11	Fax/Facsimile Transmission	LITIGATION HOLD LETTER and NOTICE OF PENDING LAWSUIT to Office of Information Policy	April 26, 2017	<b><u>Exhibit 7</u></b>
#12	Mail	FOIA Appeal closed		<b>Doc. #4-6, in civil case</b>

Plaintiff holds this quote very important: ***"[O]ur system of justice must be a fair and equitable one. The public interest in ensuring that no innocent person is convicted of a crime far outweighs any privacy interest in withholding the information."*** - Quote from federal FOIA case **Adolfo Correa Coss v. United States Department of Justice, et al.**

Plaintiff also requests with the Court that copies of this Brief be served upon the Government as stated in 28 U.S.C. §1915(d), that "The officers of the court shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases. Plaintiff requests that copies be served with the defendants' and the U.S. Attorney office of Roanoke, VA via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if the Government consents, or upon U.S. Mail. Thank You!

This DECLARATION and EXHIBITS is respectfully filed with the Court, this the 1st day of July, 2017

Date of signing:

July 1st, 2017

Respectfully submitted,

Brian D. Hill  
*Signed*

Signed

Brian D. Hill (Pro Se)  
310 Forest Street, Apartment 2  
Martinsville, VA 24112  
Phone #: (276) 790-3505

**U.S.W.G.O.**

In support of this lawsuit, Plaintiff submits the Declaration and Exhibits as follows:

**Declaration of Plaintiff Brian David Hill in support of MOTION TO EXPEDITE THE TRIAL PROCEEDINGS**

I, Brian David Hill, declare pursuant to Title 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

1. I am Brian David Hill, also known as Brian D. Hill, and am the Plaintiff in the Federal civil case Brian David Hill v. Executive Office for United States Attorneys et al., Civil Case No. 4:17-cv-00027. I file this Declaration type of Affidavit with the Court with original signature as a sign of good faith in this



lawsuit and demonstrating factual evidence showing good cause for such action. I was the criminal defendant of case named United States of America v. Brian David Hill, Case # 1:13-cr-435-1, and in the U.S. District Court for the Middle District of North Carolina. I am INNOCENT, and am trying to prove my innocence but am being blocked and my due process was deprived forcing me into taking the guilty plea agreement under false pretenses, being misled by the Federal Public Defender office in Greensboro, North Carolina. I have Autism Spectrum Disorder (ASD), Obsessive Compulsive Disorder (OCD), Generalized Anxiety Disorder (GAD), and I have type 1 brittle diabetes (diabetes mellitus). Because of that I am good at performing visual legal work but my verbal/social legal work is severely limited by my Autism. So I need around the clock medical care by a medical caretaker. My health is brittle and I need the Court to consider this fact and the medical records that I have in my possession.

2. Attached hereto as Exhibit 1, is a true and correct scanned photocopy of two certified mail tracking receipts and USPS receipt which proves acceptance of two envelopes mailed on 03/06/2017. That would be certified mail tracking receipt # 7016-1970-0000-9602-0033, for the Office of Information Policy ("OIP"), U.S. DOJ, concerning FOIA Appeal Case No. DOJ-AP-2017-002520. The other envelope was addressed to the Office of Government Information Services ("OGIS") of the National Archives and Records Administration ("NARA"), under certified mail tracking receipt # 7016-1970-0000-9602-

0040, concerning OGIS Mediation Case No. 201701674. Mail receipt shows both envelopes were accepted on 03/06/2017. Document is 1-Page. Some text was added digitally on this document record such as for example the "Office of Information Policy (OIP)", "United States Department of Justice", "Phone: (202) 514- 3642 (FOIA)", "Fax: (202) 514- 1009", and "--- FOIA Appeal Case No. DOJ-AP-2017-002520 - --"

3. Attached hereto as Exhibit 2, is a true and correct copy of the FAX/Facsimile transmitted document to the Office of Information Policy ("OIP"). This is a copy of the original FAX letter of what was originally transmitted to The White House ("POTUS") in regards to evidence that Assistant Federal Public Defender Eric David Placke lied to Brian D. Hill and his family. Plaintiff Brian D. Hill faxed that to OIP of U.S. DOJ to prove to them that his claim of ineffective assistance of Counsel is factually legitimate and that Plaintiff Brian D. Hill had good faith to file the FOIA request for his criminal case discovery packet for the sole purpose of overturning his wrongful conviction to prove actual innocence, get off of the Virginia Sex Offender Registry. It was filed with the OIP under FOIA Appeal Case No. DOJ-AP-2017-002520, so it is believed to be part of the OIP's official record regarding Plaintiff's FOIA Appeal. Document is 21-Pages total including 1 Transmission Ticket. Fax transmitted via VentaFax and stored in Plaintiff's VentaFax Log Book as evidence.

4. Attached hereto as Exhibit 3, is a true and correct copy of what was faxed/filed with the OIP, which is a copy of, Evidence to The White House proving public defender deleted evidence. Filed with OIP, explained relevance to FOIA Appeal and FOIA Request as it pertains to Plaintiff's right to criminal case discovery evidence due to ineffective Counsel. Plaintiff shows evidence to the U.S. Department of Justice ("U.S. DOJ") that Assistant Federal Public Defender named Eric David Placke had once quietly betrayed the trust and confidence of criminal defendant Brian David Hill by deleting evidence email attachments that were emailed from a member of Brian D. Hill's family. Proves that Plaintiff was deprived of justice in his criminal case in 2013-2014, not just being given ineffective assistance of Counsel but Plaintiff believes based upon the evidence and dealings with Mr. Placke that he was given Counsel that had only taken an interest in colluding with the prosecuting lawyer asst. "Anand Prakash Ramaswamy" of the U.S. Attorney Office of Greensboro, NC, by giving Brian the choice of falsely taking the guilty plea (risk of perjury under Rule 11 of the Federal Rules of Criminal Procedure) under the agreement of a prison sentence of time already served at the consequences of mandatory Supervised Release and mandatory sex offender registration, or risk facing twenty years of prison time by automatically losing the Jury Trial since no trial defense strategy was ever done with Mr. Placke. Document is 16-Pages total including 1 Transmission Ticket.

**Fax transmitted via VentaFax and stored in Plaintiff's VentaFax Log Book as evidence.**

- 5. Attached hereto as Exhibit 4, is a true and correct copy of the originally faxed/filed "Letter to Office of Information Policy citing Legal Basis to Support FOIA Request and Appeal". It was filed with the OIP under FOIA Appeal Case No. DOJ-AP-2017-002520, so it is believed to be part of the OIP's official record regarding Plaintiff's FOIA Appeal. Document is 10-Pages total including 1 Transmission Ticket. Fax transmitted via VentaFax and stored in Plaintiff's VentaFax Log Book as evidence.**
- 6. Attached hereto as Exhibit 5, is a true and correct copy of the originally faxed/filed "Letter with Newly Discovered Evidence to Office of Information Policy citing Legal Basis to Support FOIA Request and Appeal". It was filed with the OIP under FOIA Appeal Case No. DOJ-AP-2017-002520, so it is believed to be part of the OIP's official record regarding Plaintiff's FOIA Appeal. Document is 10-Pages total including 2 Transmission Ticket. Fax transmitted via VentaFax and stored in Plaintiff's VentaFax Log Book as evidence.**
- 7. Attached hereto as Exhibit 6, is a 7-page excerpt of the true and correct copy of the originally faxed/filed "NOTICE OF PENDING LAWSUIT to Office of Information Policy". It was filed with the OIP under FOIA Appeal Case No. DOJ-AP-2017-002520, so it is believed to be part of the OIP's official record regarding Plaintiff's FOIA Appeal. Original record without Transmission Ticket is 35-pages, however the pages**

not included in this Exhibit are already filed on Court record such as the (Doc. #4-7) "2-Page Declaration of Innocence for The White House", and the 21-page COMPLAINT under Document #2 and Exhibit 1 of the original complaint which is accessible under Document #2-1 (5 pages with exhibit marker). The excerpted Document is 8-Pages total including 1 Transmission Ticket. Fax transmitted via VentaFax and stored in Plaintiff's VentaFax Log Book as evidence. With the (1) Notice of lawsuit letter which is 6-pages, (2) the 2-page innocence Declaration for The White House, (3) the 21-page complaint, (4) Exhibit-1 of that complaint which is 5-pages, and the FAX cover page at the beginning which is 1-page, and so the total would be 35 pages when not excerpted. Just stating all of that for the record for this exhibit.

8. Attached hereto as Exhibit 7, is a true and correct copy of the originally faxed/filed "LITIGATION HOLD LETTER and NOTICE OF PENDING LAWSUIT to Office of Information Policy". It was filed with the OIP under FOIA Appeal Case No. DOJ-AP-2017-002520, so it is believed to be part of the OIP's official record regarding Plaintiff's FOIA Appeal. Document is 4-Pages total including 1 Transmission Ticket. Fax transmitted via VentaFax and stored in Plaintiff's VentaFax Log Book as evidence.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 1, 2017.

Brian D. Hill  
Signed

Signed

Brian David Hill(Pro Se)  
Former news reporter & Founder of USWGO Alternative News  
Home Phone #: (276) 790-3505  
310 Forest Street, Apt. 2. Martinsville, VA 24112

**U.S.W.G.O.**

## CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2017, I filed the foregoing  
**DECLARATION OF BRIAN DAVID HILL AND EXHIBITS IN SUPPORT OF COMPLAINT AND PARTIAL EVIDENCE (FOIA APPEAL) OF WHAT WILL BE PRESENTED AT TRIAL**

+ All attached Exhibits

+ **MOTION ASKING THE COURT TO REQUEST LEGAL COUNSEL TO REPRESENT THE PLAINTIFF --  
MOTION AND BRIEF IN SUPPORT OF THIS MOTION**

+ **Exhibit 1: one page Doctor's letter from Dr. Shyam Balakrishnan**

+ **Exhibit 2: Six page diagnostic evaluation of Plaintiff's Autism by Dept. of Psychiatry.**

+ **Attachment 1: Proposed Subpoena to mental health Counselor Preston Page (ao088b)**

+ **Attachment 2: Proposed Subpoena to expert Dennis Debbaudt (ao088b)**

was filed with the Clerk of the Court by mail via United States Postal Service, Postage prepaid.  
Certified mailing Tracking # 7016-0600-0000-8325-4950

A copy of this filing and attachments was also mailed to the following defendants' Attorney:

Certified Mail tracking #:

7016-0600-0000-8325-4943 – Return Receipt Tracking #: 9590-9402-2986-7094-6450-66

Cheryl Thornton Sloan

U.S. Attorney Office

Civil Case # 4:17-cv-00027

101 South Edgeworth Street, 4th Floor

Greensboro, NC 27401

Plaintiff requests with the Court that copies of this filing be served upon the defendants' as stated in 28 U.S.C. §1915(d), that "The officers of the court shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases. Plaintiff requests that copies be served with the defendants' via CM/ECF Notice of Electronic Filing ("NEF") email, by facsimile if the Government consents, or upon U.S. Mail. Thank You!

  
Signed

**Brian David Hill (Pro Se)**  
**Former news reporter & Founder of USWGO Alternative News**  
**Home Phone #: (276) 790-3505**  
**310 Forest Street, Apt. 2. Martinsville, VA 24112**

**USWGO.**



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Postage \$	
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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: **4:17-CV-27**  
**Cheryl T. Sloan**  
**U.S. Attorney Office**  
**101 South Edgeworth St.,**  
**4th Floor**  
**Greensboro, NC 27401**



9590 9402 2986 7094 6450 66

2. Article Number (Transfer from service label)

## COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☐ No

3. Service Type

- |  |   |
|--|---|
| <input type="checkbox"/> Adult Signature                               | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery           | <input type="checkbox"/> Registered Mail™                           |
| <input type="checkbox"/> Certified Mail®                               | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery            | <input type="checkbox"/> Return Receipt for Merchandise             |
| <input type="checkbox"/> Collect on Delivery                           | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery       | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail                                  |   |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) |   |

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt



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FOR THE DISTRICT OF COLUMBIA  
IN RE: [REDACTED]

[REDACTED]